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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Steven S. Payne 1101 17th Street N.W. Suite 1005 Washington DC, DC 20036				
EXAMINER				
SADLON, JOSEPH				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/587,889

Applicant(s)

KREUTZ, TOMAS

Examiner

JOSEPH J. SADLON

Art Unit

3633

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 June 2007.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 10-18 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 10-18 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 12 June 2007 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-85/86)
Paper No(s)/Mail Date 1pg.; 7/27/08

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

1. This communication is a First Office Action on the Merits. Claims 10-18, as amended, are pending and have been considered as follows:

Drawings

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore these features:

“the wedges of the of the first pair are in contact with the wedges of the second pair along inclined surfaces” (claim 14, page 2, ln. 1-5; this relationship, wedges in contact with inclined surfaces, is not made clear);

“pipe penetration and/or cable entry” (claim 18, page 2, ln. 3-5; pipe penetration or cable entry is not shown);

must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the

renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claim 18 is rejected under 35 U.S.C. 102(b) as being anticipated by Wambeke et al. (U.S. 5,741,014).

A per claim 18, Wambeke et al. teaches a method of adapting the form of a compression unit (via cable 5, FIG. 2) to the form of inner corners or walls (via inside corners of duct 1, FIG. 2) of a frame (via duct. 1, FIG. 1-2) for sealing receiving, in addition to the compression unit, further compressible units for pipe penetration and/or cable entry, wherein supplemental parts (via pre-form 25, 27, FIG. 7) are placed on the compression unit if needed to adapt the compression unit to the form of the inner corner or the walls of the frame at which the compression unit is placed.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

7. Claims 10-17 rejected under 35 U.S.C. 103(a) as being unpatentable over Kreutz (U.S. 5,938,152) in view of Wambeke et al.

As per claim 10, Kreutz teaches a compression unit (via component shown FIG. 1; see also col. 1, ln. 59) for a frame (via frame 10, FIG. 4) receiving compressible units (via plurality of units FIG. 4) for pipe penetration and/or cable entry (via cable transit, title) in addition to the compression unit and which compression unit is to abut against two inner corners or walls of the frame (via seal 4n, FIG. 4).

Kreutz fails to explicitly disclose:

supplemental parts are furnished for optional placement between the compression unit and the frame to adapt the form of the compression unit to the form of the frame.

Wambeke et al. teaches supplemental parts (via inflated sealing member 7, FIG. 1) furnished for optional placement between the compression unit (via cable 5, FIG. 2) and the frame to adapt the form (see “conforms” col. 7, ln. 53) of the compression unit to the form of the frame.

From this teaching of Wambeke et al., it would have been obvious at the time the invention of Kreutz was made to include the kit of parts taught by Wambeke et al. for the purpose of sealing a duct having a polygonal internal cross section to prevent the passage of fluids.

As per claim 11, Kreutz as modified by Wambeke et al. teaches the limitations of claim 10. Kreutz further teaches the surfaces of the compression unit facing inner corners or walls of the frame have a rounded form (note strap 19, FIG. 5, forms rounded corners when assembled).

Wambeke et al. further discloses each supplemental part (via inflated sealing member 7, FIG. 1) has a general L-shaped cross section (see material 17, FIG. 2) with a rounded surface and two straight sides (see “conforms” col. 7, ln. 53; note material conforms to rounded edge of unit and straight sides of corner).

As per claim 12, Kreutz as modified by Wambeke et al. teaches the limitations of claim 11. Wambeke et al. further teaches the rounded surface of the supplemental part is to abut against one of the rounded surfaces of the compression unit (note “member 7...conforms”, col. 7, ln. 50-54).

As per claim 13, Kreutz as modified by Wambeke et al. teaches the limitations of claim 11. Wambeke et al. further discloses the straight sides of the supplemental part is to abut against the surfaces of the frame forming a straight inner corner (see material 17, FIG. 2; material abuts adjacent corner and wall) or that one of the straight sides of the supplemental part is to abut a wall of a frame.

As per claim 14, Kreutz as modified by Wambeke et al. teaches the limitations of claim 10. Kreutz further teaches the compression unit (via component shown FIG. 1) comprises a first pair of wedges (via "two pairs" col. 2, ln. 15-20), a second pair of wedges and a screw (via screw means 17, FIG. 1), having both left-handed and right-handed threads (see col. 2, ln. 1-2), each thread co-operating with threads in sleeves (via sleeves 111, 121, col. 1, ln. 65) in the first pair of wedges (see col. 1, ln. 66), whereby the wedges of the of the first pair are in contact with the wedges of the second pair along inclined surfaces (note wedges 11, 12, 15, 16 form a series of sloped surfaces) and the first pair of wedges may be removed by means of the screw towards and away from each other in the axial direction of the screw and the second pair of wedges is moved towards and away from each other in a perpendicular direction (note arrows, FIG. 2) to the movement of the first pair and radially to the screw by means of the movement of the first pair of wedges (note relationship of wedge 15 to wedge 12, FIG. 1).

As per claim 15, Kreutz as modified by Wambeke et al. teaches the limitations of claim 14. Kreutz further discloses wherein the wedges of the compression unit is made in one piece

(via FIG. 5 "one piece", col. 1, ln. 54-55) with straps separating (note straps 19, FIG. 5) the separate wedges.

As per claim 16, Kreutz as modified by Wambeke et al. teaches the limitations of claim 15. Wambeke et al. teaches the supplemental parts are included in the component in one-piece (via frame 13, FIG. 3).

As per claim 17, Kreutz as modified by Wambeke et al. teaches the limitations of claim 16. Wambeke et al. further discloses the supplemental parts are included in the component in one-piece in a way enabling tearing off of the supplemental parts (via "release layer", col. 5, ln. 37-40).

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- i. U.S. 2,732,226 to Brattberg teaches a packing assembly for conductors through a wall wherein short rectangular frame is adapted to be inserted in a wall with the use of elastic gauge blocks shaped to fill up the spaces between conductors and the frame.
- ii. U.S. 4,093,818 to Thwaites et al. teaches ducting filled with cells coated with intumescent material.

iii. U.S. 4,330,136 to Henson teaches a packing for marine cargo lids with a weldable fibrous material body.

iv. U.S. 4,733,016 to Twist et al. teaches a transit for cables and pipes with blocks of resilient material which allow cable to lead through.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOSEPH J. SADLON whose telephone number is (571)270-5730. The examiner can normally be reached on M-F 7:30A-5:00P/Alt. Fri. Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Chilcot can be reached on (571)272-6777. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Richard E. Chilcot, Jr./
Supervisory Patent Examiner, Art Unit 3635

/J. J. S./
Examiner, Art Unit 4127

/JS/